

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**BENN MCCURRY,**  
*Plaintiff*

v.

**COMMISSIONER OF SOCIAL  
SECURITY,**  
*Defendant*

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**Case No. 1:23-CV-00725-RP-SH**

**ORDER DIRECTING FILING OF BRIEFS**

Pursuant to 28 U.S.C. § 636(b), this action to review the final decision of the Commissioner of Social Security has been referred to this Magistrate Judge for review, report, and recommendation.

The defendant has filed its answer, together with a certified copy of the transcript of the administrative proceedings. On December 18, 2023, Plaintiff filed his brief in support of his Complaint. Dkt. 18. Accordingly, it is **HEREBY ORDERED** that the parties, or counsel of record, submit briefs to the Court in accordance with the following requirements:

1. **On or before January 29, 2024**, the defendant shall serve, file and submit to the Magistrate Judge a brief which responds, specifically, to each issue raised by the plaintiff. The defendant's brief shall conform to the requirements set forth above for the plaintiff's brief, except that a statement of the issues and a statement of the case need not be made unless the defendant is dissatisfied with the plaintiff's statements.
2. The plaintiff may serve, file, and submit to the Magistrate Judge a brief in reply to the brief of the defendant within ten (10) days of service of the defendant's brief.
3. Unless the Court requests oral argument, all motions will be determined on the moving papers and the record of proceedings before the Commissioner.
4. In the event no motions are made, the Court will enter judgment after the above time limits have expired on the basis of the complaint and answer and the record of proceedings before the Commissioner.
5. Extensions of the above time limits shall be requested by appropriate written motion no later than fifteen (15) days before the expiration of the time.

If the parties fail to comply with this Order, the Court may in its discretion impose such penalties and invoke such sanctions as the circumstances may warrant. The Court directs the attention of counsel to the

sanction of involuntary dismissal for failure to comply with pretrial instructions provided by Federal Civil Procedure Rule 41(b).

**SIGNED** on December 18, 2023.



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SUSAN HIGHTOWER  
UNITED STATES MAGISTRATE JUDGE